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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. APPLICATION NO. FILING DATE CONFIRMATION NO. 09/904,981 07/12/2001 Feng Gao CHRT-99203.DIV 3778 EXAMINER 7590 12/01/2004 WAGNER, MURABITO & HAO LLP ROSE, ROBERT A Third Floor ART UNIT PAPER NUMBER Two North Market Street San Jose, CA 95113 3723

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner   Robert Rose   3723   3				<del></del>
## Defice Action Summary    Examiner   Robert Rose   3723		Application No.	Applicant(s)	•
Robot Rose   3723   3		09/904,981	GAO, FENG	
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION.  Exercises of term may be available under the provisions of 3 CSR 1.136(a). In or event, however, may a neity be timely filed in the period for mely be appelled above is less than lithing (30) days, a neity with the statisticy period will appear and it expenses the statistic period will appear and it is expensed to the period of the communication.  If the period for mely appendix above, the maximum statistory period will appear and it expenses (3) (MONTH's from the milling date of this communication.  If the period for mely appendix above, the maximum statistory period will appear and it expenses (3) (MONTH's from the milling date of this communication.  If the period for mely appendix above, the maximum statistory period will appear and it is expenses.  If the period for mely appear and the communication of the period of the communication.  If the period for mely appear and the period of the communication of the period of the communication.  If the period for mely appear and the period of the communication.  If the period for mely appear and the period of the communication.  If the period for mely appear and the period of the communication.  If the period for the appear calculated the period of the communication.  If the period for the period calculated the period of the period of the melling date of this communication.  If the period for the period of the melling date of the communication.  If the period for the period of the p		Examiner	Art Unit	
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THE MAILING DATE OF THIS COMMUNICATION.  Estateoisms of time may be available under the provides of 37 CPR 1.136(e). In no event, however, may a reply be timely field after SX (e) MCMTHS from the nabling date of this communication.  If NO pend for reply isspecified under the provides of the communication of the provides of the provided provides of the provided provided the provided provi	The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	
1) Responsive to communication(s) filed on @9.August 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims 4 \(\text{Claim(s)} \) 34-39 is/are pending in the application. 4a) Of the above claim(s)	<ul> <li>THE MAILING DATE OF THIS COMMUNICATION.</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communic D (35 U.S.C. § 133)	ation.
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## **DETAILED ACTION**

1. Claims 1-33 have been canceled.

2. Claims 34-39 are presented for examination.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al (US 5897424) in view of Yu(US 5435772). Evans et al disclose a polishing apparatus comprising substantially all of the subject matter set forth in applicant's claims above, except for the recitation in claim 34 of a wafer carrier overlying the polishing pad. Note the embodiment of Figures 4-5 showing a backup platen having a tapered peripheral surface, which causes the upper surface of the polishing pad to be tapered. Note also U-shaped and V-shaped polishing surfaces of Figures 2A and 2B. Yu discloses a polishing apparatus having a polishing pad with a peripheral region characterized as tapered and horizontal, and having an overlying wafer carrier for applying the wafer to the polishing surface under a controlled pressure. Note figures 3-4 of Yu. To simply provide a wafer carrier in the apparatus of Evans et al overlying the polishing pad, in order to apply the wafer to the polishing pad at a controlled pressure for better control of the polishing process, would have been obvious in view of Yu.
- 4. Applicant's arguments filed August 9, 2004 have been fully considered but they are not persuasive. Applicant has argued that neither Evans et al nor Yu et al disclose all of the features set forth in the claims as now amended. In response to applicant's arguments against the

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references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Evans et al does disclose the pad structure as broadly recited in amended claim 34, and Yu teaches the expediency of providing a carrier for the work overlying the polishing pad. Such use of a wafer carrier to control the pressure of the work against the polishing surface is old and well known in the wafer polishing art, and to have employed such a wafer carrier in the apparatus of Evans et al would have been obvious in view of Yu.

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

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November 26, 2004.

ROBERT A. ROSE PRIMARY EXAMINER ART UNIT 323